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UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-6902

OMARI H. PATTON,

Plaintiff - Appellant,

v.

CRYSTAL KIMBLE,

Defendant - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia, at Elkins. John Preston Bailey, District Judge. (2:16-cv-00010-JPB-MJA)

Submitted: May 11, 2021

Decided: May 13, 2021

Before KING, KEENAN, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Omari H. Patton, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Omari H. Patton appeals the district court's order, entered upon remand from this court, *see Patton v. Kimble*, 717 F. App'x 271, 272 (4th Cir. 2018) (No. 17-7032), granting Federal Corrections Officer Crystal Kimble's motion for summary judgment in Patton's civil rights action filed pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). The sole issue remaining after we ruled in Patton's prior appeal, *see Patton*, 717 F. App'x at 272, was Patton's claim that Kimble violated the First Amendment by retaliating against Patton for filing administrative grievances. On remand, the district court analyzed the issue pursuant to *Ziglar v. Abassi*, 137 S. Ct. 1843 (2017), and ruled that the implied-damages remedy recognized in *Bivens* does not extend to First Amendment retaliation claims such as the one Patton advanced.

We recently addressed this issue in *Earle v. Shreves*,^{*} holding that the *Bivens* remedy may not "be extended to include a federal inmate's claim that prison officials violated his First Amendment rights by retaliating against him for filing grievances." 990 F.3d 774, 776 (4th Cir. 2021). *Earle* thus confirms the propriety of the district court's dispositive ruling. Accordingly, we affirm the district court's order granting summary judgment to Kimble. *Patton v. Kimble*, No. 2:16-cv-00010-JPB-MJA (N.D.W. Va. June 17, 2019).

^{*} We held this appeal in abeyance pending the disposition in *Earle*.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED